

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HARRISON HINES and ARGONAUTIC
VENTURES MASTER SPC,

Plaintiffs,

vs.

AZOTH INVESTMENT SPC LTD., YUCHEN
SHI a/k/a CASSANDRA SHI and TAMARA
FRANKEL,

Defendants.

Case 1:21-cv-10309-VSB

Oral Argument Requested

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, Declaration of Cassandra Shi, and Declaration of Tamara Frankel, Defendants will move this Court before the Honorable Vernon S. Broderick at the United States District Court for the Southern District of New York, at the United States Courthouse, 40 Foley Square, New York, New York 10007, at a date and time to be set by the Court, for an order, pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6), to compel arbitration of the claims against Azoth, and dismiss the claims against Defendants Shi and Frankel. Defendants further move for attorneys' fees pursuant to this Court's inherent authority and the contracts to which the parties agreed and that give rise to the alleged claims.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, shall be served no later than the deadline provided by the Federal Rules of Civil Procedure and this Court's Individual Rules, with any reply papers in further support of this Motion to be served no later than deadline provided for by the Federal Rules of Civil Procedure and this Court's Individual Rules.

Dated: January 7, 2022
New York, New York

KAGEN, CASPERSEN & BOGART PLLC
By: /s/ Stuart Kagen
Stuart Kagen
Christopher B. Greene
757 Third Avenue, 20th Floor
New York, NY 10017
Tel: (212) 880-2045
skagen@kcbfirm.com
cgreene@kcbfirm.com
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on January 7, 2022, I electronically filed the foregoing document with the clerk of the Court using the ECF system. The ECF system will send notification of the filing to all attorneys of record and I sent courtesy copies of these papers to counsel of record for Plaintiffs in the state action.

s/ Christopher B. Greene
Christopher B. Greene